

Case: INJEC-016C



#14

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Thomas C. Kuracina)
Serial No.: 09/144,398) Examiner: John D. Yasko
Filed: August 31, 1998) Group No.: 3763
For: NEEDLE TIP GUARD FOR)
HYPODERMIC NEEDLES)

RECEIVED
AUG 29 2000
TECHNOLOGY CENTER

PETITION TO MAKE SPECIAL BASED UPON PROSPECTIVE MANUFACTURE

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON D C 20231

Dear Sir/Madam:

Pursuant to Section 708.02 of the Manual of Patent Examining Procedure, Applicant, through its counsel, hereby petitions the Commissioner of Patents for an order to make the examination of the above-referenced patent application special based upon prospective manufacture.

Applicant submits herewith the Declaration of Thomas C. Kuracina, Vice President of Injectimed, Inc., the assignee of the present application, alleging facts sufficient to demonstrate that a prospective manufacturer has substantial capital and facilities to manufacture the invention that is the subject of the present application, and will commit resources to that end should a patent be granted for the present application. In this regard, such manufacturer, has already entered into a preliminary license agreement with the assignee of the present application for a limited duration during the pendency of such application; however, such prospective manufacturer will not increase its present manufacturing or otherwise commit further resources to expand production of the devices disclosed and claimed in the present application until a determination has been made as to whether or not the patent will be granted. Mr. Kuracina's Declaration further alleges facts

that the prospective manufacturer will commit to manufacture the invention disclosed and claimed in the present application within the United States or its possessions, in quantity, upon allowance of the claims or issuance of the patent.

In addition, there is further submitted in support of this Petition To Make Special the Declaration of Kit M. Stetina, Esq., below-listed counsel in the subject application, indicating that Mr. Stetina, Esq., has made a careful and thorough search of the prior art, as well as has a good knowledge of the pertinent prior art, and that in his opinion believes that one or more claims of the subject application are allowable.

Since Applicant is now faced with a tremendous opportunity to exploit its novel and non-obvious medical devices via the prospective manufacture, it is imperative that this Petition To Make Special be granted in order to avoid losing the present opportunity. Therefore, Applicant respectfully requests that the Commissioner of Patents grant this order to make the examination of the subject application special based upon prospective manufacture.

Enclosed herewith is the Petition fee of \$130.00 as set forth in 37 CFR 1.17(i) as required by 37 CFR 1.102(d). In the event that charges should exceed this amount, the Examiner is instructed to charge our Deposit Account No. 19-4330. This Petition To Make Special is hereby enclosed in triplicate.

Respectfully submitted,

Dated: 8/17/00

By: 

Matthew A. Newboles, Reg. No. 36,224
STETINA BRUNDA GARRED & BRUCKER
24221 Calle de la Louisa, 4th Fl.
Laguna Hills, CA 92653
(949) 855-1246

MAN/ms